

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW COX,

Defendant.

Criminal No.: 11-99 (JLL)

ORDER

This matter comes before the Court by way of nine (9) motions filed by Defendant Andrew Cox (“Defendant”) and his Defense Counsel, Mr. Michael Orozco, including: (1) Mr. Orozco’s Motion to Withdraw as Counsel [Docket Entry No. 84]; (2) Defendant’s Pro Se Motion for Leave to Appear Pro Se and for Appointment of Stand-By Counsel [Docket Entry No. 85]; (3) Defendant’s Pro Se Motion to Disqualify the Instant District Judge and for Entry of a New District Judge [Docket Entry No. 86]; (4) Defendant’s Pro Se Motion to Produce Documents from Pre-Trial Services [Docket Entry No. 87]; (5) Defendant’s Pro Se Motion to Dismiss the Complaints and Indictments Filed Against Him With Prejudice [Docket Entry No. 88]; (6) Defendant’s Pro Se Motion for Removal and Sanctioning of Government Counsel [Docket Entry No. 89]; (7) Defendant’s Pro Se Motion for Disclosure regarding the Purported Sealing of his Case [Docket Entry No. 90]; (8) Defendant’s Pro Se Motion to Produce Grand Jury Materials [Docket Entry No. 92]; and (9) Defendant’s Pro Se Motion to Withdraw his Guilty Plea [Docket Entry No. 95].

As seven (7) of Defendant’s Motions [Docket Entry Nos. 86, 87, 88, 89, 90, 92, and 95]

were filed by Defendant prior to the resolution of the issue of his representation or self-representation, this Court scheduled and held a hearing on April 30, 2012, concerning Motions numbered (1) and (2), or, conjunctively, Defense Counsel's Motion to Withdraw as Counsel and Defendant's Motion to Proceed Pro Se and Appoint Stand-By Counsel, in accordance with Faretta v. California, 422 U.S. 806 (1975). The Court having considered the filings of the Defendant, Defense Counsel, and the Government on said Motions, and for the reasons set forth in the record,

IT IS on this 30th day of April, 2012,

ORDERED that Defendant's Motion to Proceed Pro Se and for the Appointment of Stand-by Counsel is **GRANTED**; and it is further

ORDERED that Defense Counsel Mr. Orozco's Motion to Withdraw as Counsel is also **GRANTED**; and it is further

ORDERED that the Court hereby appoints Michael Pedicini, Esq. as Stand-By Counsel to Defendant in this matter; and it is further

ORDERED that Mr. Orozco contact the above-named Stand-By Counsel for the expeditious transfer of Mr. Orozco's entire file on the instant matter for Stand-By Counsel's delivery to the Defendant; and it is further

ORDERED that Defendant's improperly filed Motion for Release from Custody [Docket Entry No. 78], dismissed by this Court without prejudice to the refiling of the same by Defense Counsel, or following a Faretta hearing, by Defendant proceeding pro se [Docket Entry No. 79], is hereby **REOPENED**; and it is further

ORDERED that Defendant's pending Motions [Docket Entry No. 86, 87, 88, 89, 90, 92

and 95] shall be deemed filed in his capacity to proceed pro se; and it is further

ORDERED that the Government shall have ten (10) days to file its opposition, if any, to Defendant's Motion for Release from Custody [Docket Entry No. 78]; and it is further

ORDERED that the Government shall have ten (10) days to file its opposition, if any, to Defendant's Motion to Disqualify the Instant District Judge and for Entry of a New District Judge [Docket Entry No. 86]; and it is further

ORDERED that, following the determination Defendant's Motions for Release and Disqualification of the Instant Judge, a scheduling order regarding motion practice, if any, on Defendants' pending Motions will be issued; and it is further

ORDERED that Defendant's sentencing scheduled for May 22, 2012 is hereby
ADJOURNED pending resolution of Defendants' Motions.

IT IS SO ORDERED.



Jose L. Linares
United States District Judge